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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,415	04/16/2004	Myong Deok Kim	9988.104.00-US	9371
30827 7590 04/25/2007 MCKENNA LONG & ALDRIDGE LLP 1900 K STREET, NW WASHINGTON, DC 20006			EXAMINER PERRIN, JOSEPH L	
			ART UNIT	PAPER NUMBER
			1746	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/25/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/825,415

Applicant(s)

KIM ET AL.

Examiner

Joseph L. Perrin, Ph.D.

Art Unit

1746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) 16-23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date See Continuation Sheet.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :20051011; 20060515; 20060718; 20061109; 20070103.

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group I, claims 1-15, in the reply filed on 19 March 2007 is acknowledged.
2. Claims 16-23 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 19 March 2007.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 3, the metes and bounds of the claimed patent protection sought are unclear because the "material" definitions "which meets required mechanical properties" or "which meets vibration attenuation characteristic" are vague and indefinite. It is unclear what "mechanical properties" and what "characteristic" are being referred to in the claim and such vague language fails to particularly point out and distinctly claim the inventive subject matter as required under §112, second paragraph. As best understood, all conventional dampening materials have "mechanical properties" and "vibration attenuation characteristics" and therefore the claim is construed to read

on any dampening material(s). However, this interpretation essentially results in the claim language as being not further limiting to the previously recited materials and it would be presumed that this is not applicant's intent. Thus, clarification and correction are required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-3 & 13-14 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 11-164986 to SHUNICHI et al. ("SHUNICHI"). SHUNICHI discloses a washing machine comprising a conventional outer housing (10), legs (32) fitted to the bottom of the cabinet, leg pads comprising hard blocks (29) and soft blocks (28) in contact with each other for attenuating washing machine vibration. Re claim 13, Figure 4 shows the leg and leg pad being joined by elastic hook (42) (see Figures 3-4 and the abstract). Re claim 14, Figure 4 also shows one block being located between the top and bottom portion of another block which reads on a "the first member ... projection passed through the second member". Accordingly, recitation of SHUNICHI reads on applicant's claimed invention.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. Claims 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over SHUNICHI in view of U.S. Patent No. 6,746,780 to RIEGER et al. ("RIEGER").

Recitation of SHUNICHI is repeated here from above. SHUNICHI discloses the use of

elastic polymers as vibration dampers in washing machine legs as claimed but does not expressly disclose any material detail such as the types of polymers or the properties associated therewith (i.e. typical polymer properties such as glass transition temperature or shore hardness). RIEGER discloses that it is known that block polymers may be used for vibration dampening (see col. 6, line 27) and in household appliances (col. 6, line 44), and that such block polymers may have specific glass transition temperatures (-50 ~ 30°C glass transition temperature range; see col. 3, line 49 *et seq.*) and specific shore hardness (i.e. a shore hardness of 30 to achieve "superior softness"; see col. 4, line 29 *et seq.*) which are dependent on the type of material and is adjustable based on material of the polymer.

Therefore, the position is taken that it would have been obvious to one having ordinary skill in the art at the time the invention was made to select the material polymer/copolymer based on desired application (i.e. increasing or decreasing hardness/softness), as described in RIEGER, in a washing machine dampening structure as described in SHUNICHI in order to achieve desired properties such as hardness/softness, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

11. Claims 8-10 & 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over SHUNICHI in view of JP 5-117491 to YAMAMOTO ("YAMAMOTO"). Recitation of SHUNICHI is repeated here from above. SHUNICHI discloses the use of elastic

polymers as vibration dampers in washing machine legs as claimed but does not expressly disclose any material detail of the polymer composition. YAMAMOTO teaches that it is known in the elastomeric polymer art to use polystyrene as a hard block and vinyl-polyisoprene as a soft block in a block copolymer blended with styrene-butadiene-styrene to form an elastomeric composition useful in applications such as vibration damping (see abstract).

Therefore, the position is taken that it would have been obvious to one having ordinary skill in the art at the time the invention was made to select the vibration damping polymer/copolymer of YAMAMOTO in a washing machine dampening structure as described in SHUNICHI in order to provide an elastomeric composition with vibration dampening properties in washing machine legs. Moreover, there would be a reasonable expectation of success in applying the elastomeric polymer of YAMAMOTO in the washing machine legs of SHUNICHI in order to achieved the desired vibration damping properties associated with the disclosed elastomeric polymer composition. Re claim 15, the position is taken that the use of diblock and triblock polymers are common knowledge in the art and using plural blocks would have been an obvious modification since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8; *In re Harza*, 274 F.2d 669, 124 USPQ 378 (CCPA 1960).

12. Claims 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over SHUNICHI in view of U.S. Patent No. 6,028,147 to OGAWA et al. ("OGAWA").

Recitation of SHUNICHI is repeated here from above. SHUNICHI discloses the use of elastic block polymers as vibration dampers in washing machine legs as claimed but does not expressly disclose how the leg pad and leg are connected (notwithstanding the fact that the leg pad and leg are clearly connected by some type of adhesive means). OGAWA teaches that it is known in the polymer manufacturing art to apply an elastomeric block polymer with damping properties using conventional adhesive means including insert molding (also readable on an "adhesive"; see col. 12, lines 40-50).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to form the block polymer leg pads of SHUNICHI by conventional polymer molding or forming processes such as insert molding and the like (also readable on an "adhesive") as described by OGAWA in order to arrive at applicant's invention. Such conventional polymer molding and forming processes would be well within the knowledge generally available to one having ordinary skill in the art and, absent secondary considerations, such conventional processes are not considered a point of novelty.

Conclusion

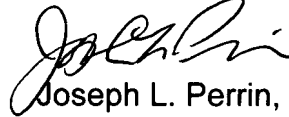
13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: U.S. Patent Publication No. 2003/0124952 to MARINE, which discloses conventional insert molding methods for polymers; U.S. Patent Publication No. 2002/0103297 to NOMURA, which discloses conventional high damping elastic polymers; U.S. Patent No. 6,849,691 to NOMURA et al, which discloses conventional high damping elastic polymers; U.S. Patent No. 6,534,594 to KIMURA, which discloses conventional high damping elastic polymers; U.S. Patent No. 5,852,135 to KANAI et al., which discloses conventional high damping elastic polymers; & U.S. Patent No. 3,858,925 to GAYDECKI, which discloses conventional high damping elastic polymers.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph L. Perrin, Ph.D. whose telephone number is (571)272-1305. The examiner can normally be reached on M-F 7:00-4:30, except alternate Fridays.

15. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael E. Barr can be reached on (571)272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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16. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Joseph L. Perrin, Ph.D.
Primary Examiner
Art Unit 1746

JLP